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August 13, 2008

VIA FACSIMILE 212.805.0436

Hon. Gerard E. Lynch
United States District Judge
U.S. Court House
Foley Square
New York, NY 10007

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DATE FILED:

8/14/08

Re: Lincoln General Ins. Co. v. The Robert Plan et al.
Docket No. 08 Civ. 1251 (GEL)

Dear Judge Lynch :

We represent the plaintiff in the captioned action. When we appeared before Your Honor on July 31, 2008, we indicated that a settlement of this action was near conclusion and that if it could not be finalized by August 15, 2008, then we would serve process on the defendants. The settlement is still on track, but not finalized. Rather than start the litigation process going in a formal manner, we would like to have until August 31, 2008, subject to the Court's approval, in which to make service of the summons and complaint upon the defendants.

Very truly yours,

Samuel B. Mayer
Samuel B. Mayer

SBM/asb

*SO ORDERED

Gerard E. Lynch
GERARD E. LYNCH, U.S.D.J.

8/14/08